



# LEGISLATIVE UPDATE: JUVENILE JUSTICE AND CHILD WELFARE



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# About Voices for Children in Nebraska

**Who We Are:** Voices for Children in Nebraska is a statewide, independent, non-profit, non-partisan child advocacy organization. With kids at the center of our work, we follow these values:

- Informed research drives our direction.
- When a policy is good, we support it. When it is harmful, we fight it. When it is missing, we create it.
- Community engagement is how we promote systems change.

# Legislative “Short” Session 101

- Each Legislature convenes over a two year period (“biennium”)
  - ▣ The first year of the biennium is a “long” session, 90 days from January through June.
  - ▣ The second year of the biennium is a “short” session, 60 days from January through April.
  - ▣ We just finished the second session of the 104<sup>th</sup> Legislature
- Senators may bring as many bills as they choose in each session
  - ▣ All bills must be “dropped” by the 10<sup>th</sup> day, and each will receive a public hearing in a designated committee
  - ▣ Due to time constraints, only new bills with priorities are likely to be heard on the floor
  - ▣ “Carryover” bills made it out of committee but weren’t heard on the floor during the long session and may be heard, time permitting, during the short session

# 2016 Legislation – Juvenile Justice

## LB 954 (Krist): Inspector General oversight

- Enacts a compromise reached between the Legislature and the Courts
- Boilerplate language included in judicial orders will permit the legislative Office of the Inspector General to access reports and probation files in the case of death, serious injury, or complaint in a juvenile justice case
- Effective immediately

# 2016 Legislation – Juvenile Justice

## LB 894 (Pansing Brooks): Right to counsel

- ▣ Requires children in custody of law enforcement or other government officials be informed of their right to counsel in developmentally appropriate language
- ▣ Requires appointment of counsel at the time of petition filing on delinquency and status charges in counties with 150,000 or more inhabitants
- ▣ Restricts waiver of counsel in certain situations, including:
  - When the child is under the age of 14
  - At a motion to transfer to criminal court
  - At a detention hearing
  - At any hearing where out of home placement is sought
- ▣ Directs the NE Supreme Court to issue standards for all attorneys who practice in the juvenile court

# 2016 Legislation – Juvenile Justice

## LB 894, continued:

- Minimum age for juvenile charging (originally LB 893, Pansing Brooks)
  - Sets a minimum age of 11 for delinquency and status charging
  - Permits filing under 43-247(3)(a) for children age 10 and younger committing offenses which would otherwise give rise to delinquency or status charging
  - Effective July 1, 2017
- Reporting room confinement (originally LB 845, Pansing Brooks)
  - Defines “room confinement” as involuntary restriction of a juvenile to a cell, room, or other area, alone, except during regular sleeping hours
  - Requires any residential facility housing minors to track and report use of extended room confinement

# 2016 Legislation – Juvenile Justice

## LB 894, continued:

- ▣ Alternatives to detention (originally LB 709, Howard)
  - Defines the term “alternative to detention” in the juvenile code
  - Removes the term “nonsecure detention” from the juvenile code and realigns statute accordingly
  - Requires a timely hearing when a child is placed on an alternative to detention that infringes upon her liberty, but permits this hearing to be waived through counsel should the child so desire
  - Requires court findings that community based efforts have been exhausted and a significant risk of harm persists prior to a dispositional order for out of home placement
- ▣ Effective July 21, 2016

# About Nebraska Appleseed

**Who We Are:** Nebraska Appleseed is a non-profit organization that fights for justice and opportunity for all Nebraskans.

- We take a complex approach to systemic issues:
  - ▣ Child welfare
  - ▣ Health care access
  - ▣ Immigration policy
  - ▣ Poverty
- We take our work wherever it does the most good – at the courthouse, at the statehouse, or in our community.



# 2016 Legislation – Child Welfare

- LB 894: County-based GAL division (originally LB 673, Krist)
  - ▣ Permits counties to create a GAL division
  - ▣ Requires GAL appointments (if such division is created) to be made first from the GAL division unless a conflict exists or the court determines an outside appointment would be more appropriate to serve the child's best interests.
  
- LB 684 (Bolz): Adoption home study exemption
  - ▣ Permits the court to waive home study requirement upon showing of good cause by a biological grandparent or step-grandparent married at the time of the adoption if both are adopting

# 2016 Legislation – Child Welfare

- LB 744 (Watermeier): Communication and contact agreements in private and agency adoption
  - ▣ Permits adopting and birth parents to enter into a written agreement to allow communication and contact
  - ▣ States that failure to comply is not ground to set aside an adoption, revoke a relinquishment or consent to adoption, or challenging the adoption
  - ▣ Authorizes that an agreement may be enforced by a civil action and requires language to appear on the agreement

# 2016 Legislation – Child Welfare

- LB 746 (Campbell): Nebraska Strengthening Families Act
  - Implements federal Preventing Sex Trafficking and Strengthening Families Act and stakeholder recommendations regarding normalcy/reasonable prudent parent standard, list of rights, participation in case planning and pre-discharge documents for youth, and eliminating the use of APPLA for youth under age 16
  - Reauthorizes the Nebraska Children's Commission

# 2016 Interim Studies – Child Welfare

- LR 513 (Howard): to examine workforce issues within the CW and JJ systems
- LR 529 (Howard): to examine the ongoing implementation of the federal SFA and related state law and policy
- LR 544 (Crawford): to examine the alternative response demonstration projects
- LR 551 (Krist): to examine and assess the use of congregate care in Nebraska for youth in the CW and JJ systems

# 2016 Interim Studies – Juvenile Justice

- LR 514 (Bolz): to examine the availability of transition services for youth who will leave or have left the juvenile justice system while in an out-of-home placement
- LR 561 (Krist): to examine the effectiveness, economic stability, and long-term viability of the YRTC's
- LR 576 (Pansing Brooks): to examine children's access to legal counsel in juvenile proceedings across the state of Nebraska

# Contact Information

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